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March 6, 2023

Via ECF

Hon. Paul G. Engelmayer
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *George Fay v. Anthony F. Annucci*
20 Civ. 187 (PAE) (SLC)

Dear Judge Engelmayer:

This letter is an application to allow Petitioner an additional several weeks in which to determine and file his position with respect to Magistrate Judge Cave's Report and Recommendation.

I have this date spoken with the Petitioner, who is incarcerated in the NYS DOCCS Wallkill Correctional Facility. I have also spoken with his father who is an attorney at law, residing and practicing in the British Virgin Islands, where Petitioner is a citizen and to which, *when eligible*, he hopes to seek a transfer. A transfer, however, will not be considered while any review proceedings are pending.

Father and son, with counsel's input, have a serious decision to make concerning whether to pursue this petition, withdraw it, or seek for it to be held in abeyance pending further proceedings in Supreme Court, New York County. It is my understanding that Mr. Fay senior will be visiting with Petitioner in the next 2-3 weeks, after which I will be consulted. Accordingly, with the gracious consent of the Attorney General, it is requested that Petitioner be given until on or before April 24th in order to respond to the Magistrate's R and R.

Respectfully submitted,

/s Mark M. Baker

MARK M. BAKER

cc: Niki Kowalski, Esq.
Michael Fay, Esq.
Via ECF and email